

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PCT

Appl. No. : 10/540,619 Confirmation No. 2024
Applicant : Yasuhiro KAJIHARA et al.
Filed : July 25, 2005
TC/A.U. : Unknown
Examiner : Unknown
Dkt. No. : TAM-054
Cust. No. : 20374

RESPONSE TO AND REQUEST FOR WITHDRAWAL OF
NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 10, 2006

Sir:

Declaration and Fee for Late Declaration (Not Required)

In response to the Notification of Missing Requirements dated February 7, 2006, applicants note that the Notification was issued improperly. The declaration for this application was filed in the United States Patent and Trademark Office on July 25, 2005, with a payment for a late declaration fee of \$130.00 (that was paid by credit card with Form PTO-2038 in the amount of \$170.00 including the fee for recordation of assignment (\$40.00)) as a second submission of items.

A copy of the return receipt with the OIPE date stamp of July 25, 2005, is enclosed. The receipt identifies the declaration as

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RESPONSE TO AND REQUEST FOR WITHDRAWAL OF
NOTIFICATION OF MISSING REQUIREMENTS

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being submitted in a second submission of items on July 25, 2005. Also enclosed, for the convenience of the Office, is a copy of the original declaration for the above-identified application that was filed on July 25, 2005.

Conclusion

As stated above, all of the requirements for acceptance under 35 U.S.C. §371 were satisfied prior to issuance of the Notification on February 7, 2006. Applicants request that the Notification be withdrawn and that the office issue a notice advising that the requirements for acceptance under 35 U.S.C. §371 were completed on July 25, 2005.

All 371 requirements were completed on July 25, 2005. Therefore, the Office should assign a 371(c) date of July 25, 2005. It is improper for the Office to assign a 371(c) date other than July 25, 2005, e.g., the date of filing of the present paper.

A Filing Receipt is also respectfully requested for this application.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833. Please charge any additional required fees or credit any overpayment to our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Keiko Tanaka Kubovcik
Reg. No. 40,428

U.S. Patent Appln. S.N. 10/540,619
RESPONSE TO AND REQUEST FOR WITHDRAWAL OF
NOTIFICATION OF MISSING REQUIREMENTS

PATENT

Atty. Docket No. TAM-054
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Washington, D.C. 20006
Tel: 202-887-9023
Fax: 202-887-9093
KTK/jbf

Enclosures: Notification of Missing Requirements
Copy of Receipt w/ OIPE Date Stamp of July 25, 2005
Copy of Declaration

COPY

RD/BB
7.26.05
dwl

RECEIPT OF FILING OF PAPERS

PATENT APPLICATION

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In re the application of:

Yasuhiro KAJIHARA et al.

International Application No. PCT/JP2003/016682

I.A. Filing Date: December 25, 2003

U.S. Serial Number: 10/540,619

Atty. Dkt. Number: TAM-054

Customer No.: 20374



PAPERS FILED HEREWITH:

Application Transmittal for Second
Submission of Items

(with Declaration and Assignment with
Cover Sheet)

PTO-2038 for \$170.00

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Date: July 25, 2005

(DKT: August 4, 2005)



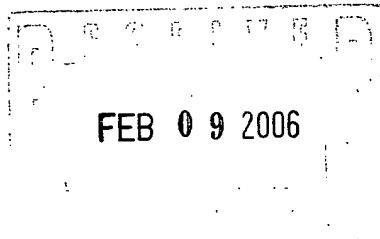


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/540,619	FIRST NAMED APPLICANT Yasuhiro Kajihara	ATTY. DOCKET NO. TAM-054
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20374
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INTERNATIONAL APPLICATION NO. PCT/JP03/16682	
I.A. FILING DATE 12/25/2003	PRIORITY DATE 12/26/2002

CONFIRMATION NO. 2024
 371 FORMALITIES LETTER



OC000000017926346

Date Mailed: 02/07/2006 Due: 4/7/06

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/24/2005
- English Translation of the IA filed on 06/24/2005
- Copy of the International Search Report filed on 06/24/2005
- Copy of IPE Report filed on 06/24/2005
- Preliminary Amendments filed on 06/24/2005
- Information Disclosure Statements filed on 06/24/2005
- U.S. Basic National Fees filed on 06/24/2005
- Priority Documents filed on 06/24/2005
- Specification filed on 06/24/2005
- Claims filed on 06/24/2005
- Abstracts filed on 06/24/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

DOCKETED BY: <u>RJ/S</u>
DATE: <u>2.9.06</u>

2/9/06
 mdc

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

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10/540,619	PCT/JP03/16682	TAM-054

FORM PCT/DO/EO/905 (371 Formalities Notice)